

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE D. ALLEN,

Plaintiff,

v.

HENRY LEGAL GROUP, LLP,
doing business as HEARTLAND
LEGAL GROUP, LLC,

Defendants.

Case No. 24-12538

F. Kay Behm
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

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GRANTING PLAINTIFF'S MOTION TO QUASH SERVICE (ECF No. 8)

Plaintiff moves for an order quashing service on the Defendant. Plaintiff originally effected service on CT Corporation System, believing this to be Defendant's registered agent. Plaintiff requested and obtained entry of default against Defendant because Defendant did not timely answer the complaint. (ECF Nos. 6, 7). Plaintiff recently learned that CT Corporation is not the registered agent. So Plaintiff asks that service be quashed and he be allowed time to re-serve the summons and complaint. (ECF No. 8).

This motion was referred to the undersigned. (ECF No. 10).

The motion is **GRANTED**. Federal Rule of Civil Procedure 4(m) provides that the complaint be served within 90 days of filing the complaint, or else the complaint may be dismissed without prejudice. The rule also requires the Court to extend the time to serve a defendant if good cause is shown. Plaintiff has shown

good cause for the extension now that he knows the correct registered agent for service.

The summons is extended 60 days. Service must be effected within that time.

The entry of default against Defendant is **SET ASIDE**. When a defendant moves to set aside entry of default, the Court considers certain factors addressing the defendant's conduct. *See Krowtoh II LLC v. ExCelsius Int'l Ltd.*, 330 F. App'x 530, 534 (6th Cir. 2009). Given the procedural posture of the case, there is no need to address those factors. Both parties are back at the starting line of the litigation.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d).

Date: January 17, 2025

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge